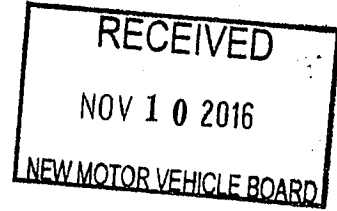
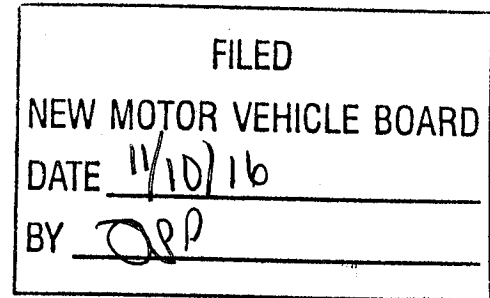


VIA E-MAIL



LAW OFFICES OF MICHAEL J. FLANAGAN  
MICHAEL J. FLANAGAN State Bar #93772  
TORIN M. HEENAN State Bar #302418  
2277 Fair Oaks Boulevard, Suite 450  
Sacramento, CA 95825  
Telephone: (916) 646-9100  
Facsimile: (916) 646-9138  
E-mail: lawmjf@msn.com



ATTORNEYS FOR PROTESTANT

STATE OF CALIFORNIA  
NEW MOTOR VEHICLE BOARD

In the Matter of the Protest of:

FOLSOM CHEVROLET, INC., dba  
FOLSOM CHEVROLET,

Protestant,

v.

GENERAL MOTORS, LLC  
Respondent.

PROTEST NO: PR- 2483-16  
Vehicle Code Section 3060

Protestant, Folsom Chevrolet, Inc., dba Folsom Chevrolet, a California corporation, qualified to do business in California, through its attorneys, files this protest under provisions of California Vehicle Code Section 3060 and alleges as follows:

1. Protestant is a new motor vehicle dealer selling Chevrolet vehicles and parts, is duly licensed as a vehicle dealer by the State of California, and is located at 1122655 Auto Mall Circle, Folsom, California 95630; Protestant's telephone number is (916) 985-5600.

2. Respondent distributes Chevrolet products and is the franchisor of Protestant.

1           3.     Protestant is represented in this matter by Law Offices of Michael J. Flanagan, whose  
2 address and telephone number are 2277 Fair Oaks Boulevard, Suite 450, Sacramento, California  
3 95825; (916) 646-9100.

4           4.     On or about November 4, 2016, Protestant received from Respondent a letter dated  
5 November 3, 2016, stating its intention to terminate Protestant's Chevrolet franchise.

6           5.     Protestant generally denies each and every allegation contained in the written notice of  
7 termination.

8           6.     Respondent does not have good cause to terminate the franchise by reason of the  
9 following facts:  
10

11               (a)   Protestant has made a substantial and permanent investment in the dealership.

12               (b)   Protestant has transacted and is transacting an adequate amount of Chevrolet  
13 business compared to the business available to it.

14               (c)   Protestant has fulfilled the warranty obligations to be performed by it.

15               (d)   The extent of any failure of Protestant to comply with the terms of the franchise  
16 agreement is immaterial.

17               (e)   Protestant has adequate motor vehicle sales and service facilities, equipment,  
18 vehicle parts, and qualified service personnel to reasonably provide for the needs of Chevrolet buyers  
19 and owners in the market area and is rendering adequate service to the public.  
20

21               (f)   It would be injurious to the public welfare for the franchise to be terminated or  
22 for Respondent to refuse to continue the existing franchise.

23               (g)   Protestant's failure to fulfill Respondent's sales and/or service expectations, if  
24 any, is in whole or in part the result of Respondent's action or inaction, market analysis deficiencies,  
25 product deficiencies, product scarcities and/or market conditions, and Respondent's unreasonable  
26 method of evaluating performance.  
27  
28

1           7.     Protestant and its attorneys desire to appear before the Board and/or its designated  
2 hearing officer and estimate that the hearing in this matter will take seven (7) days to complete.

3  
4           WHEREFORE, Protestant prays as follows:

5           1.     That the Board sustain this protest and order Respondent not to terminate Protestant's  
6 Chevrolet franchise nor refuse to continue its existing franchise.

7  
8           2.     That pending the hearing in this matter, the Board or its executive director or authorized  
9 representative immediately order Respondent not to terminate or refuse to continue Protestant's franchise  
10 until such time as Respondent has established good cause for such actions under the provisions of Vehicle  
11 Code Sections 3060 and 3061.

12           3.     That a pre-hearing conference be set and the parties notified thereof.

13           4.     That Protestant be awarded such other and further relief as the Board deems just and  
14 proper.

15  
16  
17 Dated: November 9, 2016

LAW OFFICES OF  
MICHAEL J. FLANAGAN

18  
19  
20 By: 

Michael J. Flanagan  
Attorneys for Protestant

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I declare that on November 10, 2016, I caused to be served a true and complete copy of

*Folsom Chevrolet v General Motors*  
*Protest No. PR-unassigned*

Ronald A. Meier  
Regional Director  
Chevrolet Sales and Service, Western Region  
GENERAL MOTORS LLC  
30930 Russell Ranch Road  
Westlake Village CA 91362

Executed this 10 November, 2016 at Sacramento, California.

Valerie A. Coffey